

NINETY-NINTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 182

Introduced by Beutler, 28

Read first time May 18, 2005

Committee:

PURPOSE: The goal of this interim study is to analyze the scope of Article IV, section 5, of the Nebraska Constitution.

Article IV, section 5, states that "[a]ll civil officers of this state shall be liable to impeachment for any misdemeanor in office." LR 26CA (2005), which was heard by the Judiciary Committee, proposed to expand this provision to provide for impeachment "for any misdemeanor in office or for any misdemeanor related to the election by which such officer was elected to the office." During the hearing on LR 26CA, the issue was raised regarding the meaning of the phrase "misdemeanor in office."

It is the intent of the Legislature that this interim study will examine the history of Article IV, section 5, and other related constitutional provisions, as well as case law and other relevant authority regarding the impeachment or removal of "civil officers" in analyzing the scope of the phrase "misdemeanor in office."

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall

be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.